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April 16, 2019

David Loveland, AICP, Director
Lee County Community Development
1500 Monroe St.
Fort Myers, FL 33901

RE: Explanation and Justification of Administrative Deviations for Athenian –Three Oaks Charter School (Revised)

Mr. Loveland:

BJM Consulting, Inc. has been retained by LAI Construction Management, Inc. to assist them in gaining approval of four necessary Administrative Deviations for their Charter School project in Three Oaks.

Most the deviations have to do with the continuation of the existing Oaks Center Drive. Oak Center Drive, and its existing cross section, approved by previous action of the County Commission, was built as a private road by the developer and approved by the County. It is our intent to continue the existing cross section further to the south to provide access to the newly proposed charter school and adjacent out parcels. The other requested deviations will be addressed further in this letter.

Specifically we are requesting the following Administrative Deviations:

- 10-296(d)(4) (drainage-inverted crown)
- 10-296(k)(1)(b&c) (cul-de-sac ROW)
- 10-296(e)(cross-section)
- 10-610(e) (parking lot interconnect)
- 34-2013(b)(3) (parking lot entrance maximum width of 35' at property line)
- 10-296(e)(2)h (planting strip)

Deviation from 10-296(d)(4) (Drainage-Inverted crown) see attached inverted street section sketch Exhibit #1 – provides an alternate closed drainage cross section providing 28' pavement width within a 40' R/W, to match the previously constructed street and stub-out. This deviation is required to meet the existing private road cross section and provide a reasonable safe continuation to the cars that will be traveling along this private road extension.

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COMMUNITY DEVELOPMENT
ADD 2019-00040

Deviation from 10-296(k)(1) (b & c)(cul-de-sac ROW) see attached cul-de-sac inverted crown Exhibit #2 – provides for the same dimension from the edge of pavement to the R/W line as is provided in the 28' pavement width within a 40' R/W cross section while maintaining the standard cul-de-sac pavement dimensions. This deviation is required to meet the existing private road cross section and provide a reasonable safe continuation to the cars that will be traveling along this private road extension.

Deviation from 10-296(e) (cross-section) see attached inverted street section sketch Exhibit #1 – provides an alternate closed drainage cross section providing 28' pavement width within a 40' R/W, to match the previously constructed street and stub-out. This deviation is required to meet the existing private road cross section and provide a reasonable safe continuation to the cars that will be traveling along this private road extension.

Deviation from 10-610(e) (parking lot interconnect) no sketch necessary. – The requirement is for adjacent commercial uses to provide parking lot interconnection – although a charter school can be considered a commercial use, a connection between the school and existing shopping center other than via the access road would pose safety concerns to the school. It should also be noted the Charter school is not a use that would create the need for cross section access to the adjoining parking lots servicing commercial uses.

Deviation from 34-2013(b)(3) (parking lot entrance maximum width of 35' at property line) See attached parking entrance sketch Exhibit #3. - Note that this deviation is necessary due in part that the R/W offset to pavement is only 5' and even with a 24' wide two lane entrance connecting to the street with a 30' radius, the width of pavement at the R/W would be over 50' wide (a 36' wide three lane entrance would be over 62' wide). The alternative design meets the specific needs to the proposed use of a charter school.

A deviation from LDC Section 10-296 street design and construction standards for road design must meet the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications per LDC Section 10-296(d)(3), please demonstrate how the alternate proposal plans meet these standards and criteria.

The requested deviation is specifically from the Lee County LDC Sec 10-296. The deviation is to allow for an inverted crown road cross section rather than the standard crowned section depicted in the details included in the LDC Sec 10-296. It is the intent of this alternate street cross section to also follow the standards and criteria established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications. It should be noted that FDOT standards have been created primarily for the use in public highway design and not for "private local" streets, however we have found nothing in the referenced publications that specifically precludes the use of an "inverted" crown road cross section. Those referenced

standards do include a minimum cross slope of 0.02 feet per foot, which has been included in the proposed "inverted" crown road cross section.

Deviation from 10-296(e)(2)h (planting strip) requesting the deviation to meet the existing cross section of the private road to provide consistency within the development's private right-of-way as the development is built out.

All of our requests are based on sound engineering practices and many are to allow the new roadway and drainage to match what is existing on site. If we were to construct the roadway and drainage as require by current regulations it would present challenges where the new construction meets the existing infrastructure, both during construction and when used by the general public.

Further supporting our request is Florida Statues covering charter school construction and development. Section 1002.33 (18)(a) The Statues state:

The local governing authority shall not adopt or impose and local building requirements or site-development restrictions, such as parking and site size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions and site planning process imposed upon public schools that are not charter.

Following the guidance of this language if the County would not make the Lee County School District make these off-site improvements they cannot make this Charter School make them

Our requests are no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviations are being requested, rather they mimic the existing improvements already serving the abutting landowners and general public.

The granting of the deviations are not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

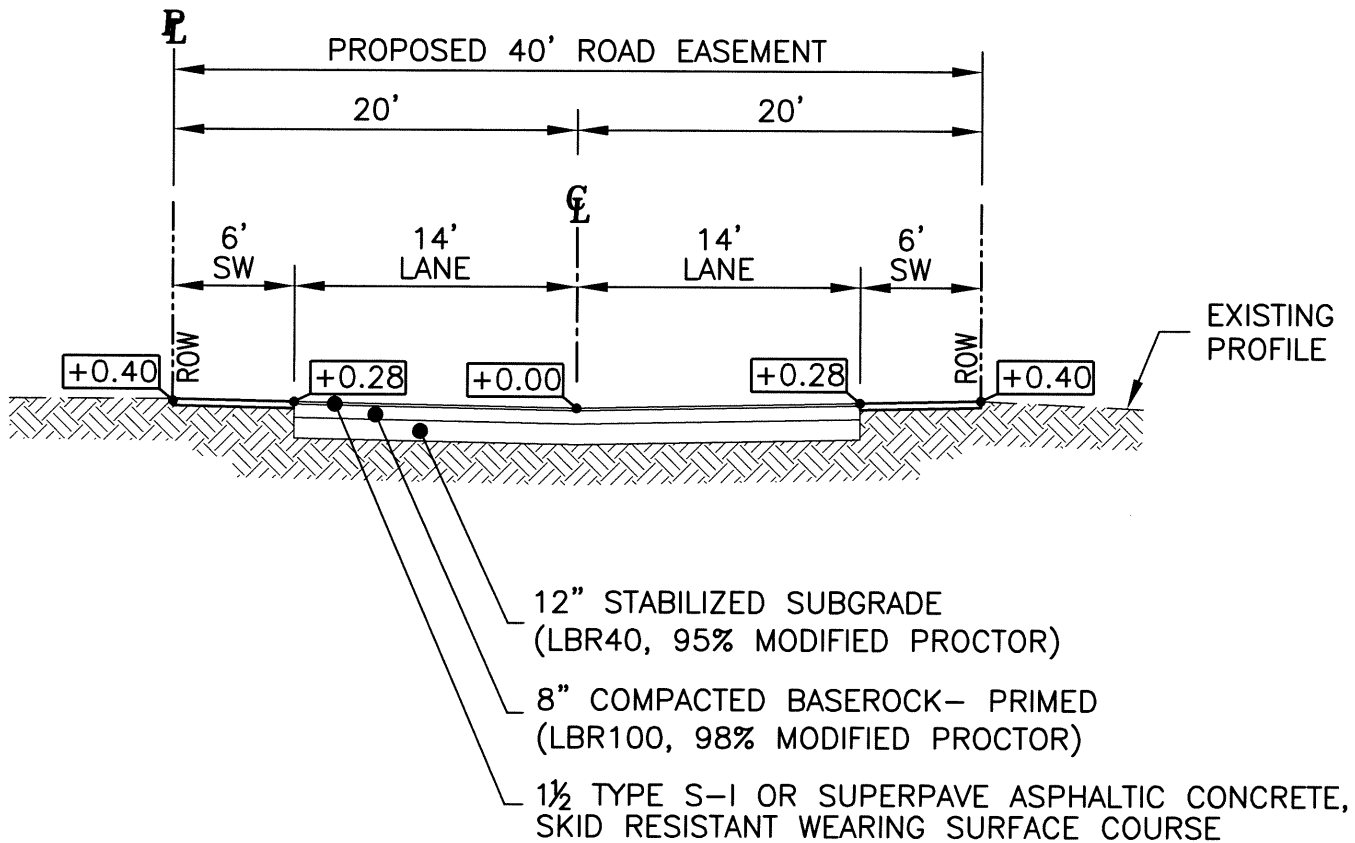
Based on the above we respectfully request we are granted the Administrative Deviations laid out in this application.

Sincerely,

Joe Mazurkiewicz, Jr.

Joe Mazurkiewicz, Jr.
President, BJM Consulting, Inc.

ROAD INVERTED CROWN



LEGEND:

+0.00 ELEVATION ABOVE $\mathcal{C}$ GRADE

SECTION VIEW
N.T.S.